IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4157 OF 2004
IN
CRIMINAL APPEAL NO.630 OF 2004

Devendra Shankar Karade & Ors. .. Applicants (Orig.accused No 1 & 2)

V/s.

The State of Maharashtra .. Respondent.

Mr. S.A. Ingawale for the applicants.

Mrs. V.R. Bhosale, A.P.P. for the Respondent.

CORAM : S.B. MHASE &
ANOOP V.MOHTA, JJ.

DATE : 22ND DECEMBER, 2004.

P.C.

. Heard Mr. S.A. Ingawale for the applicant and Mrs. V.R. Bhosale,A.P.P. for the respondent . This is an application to suspend the sentence passed in Sessions Case No. 170/2001, by the 2nd Additional Sessions Judge, Sangli on 17th April 2004, and for bail.

2. It is brought to our notice that though the death is homicidal one, the only evidence brought on record by the prosecution is of Jaywant, P.W.7 and Sukhadev, P.W. 4 on the point that the deceased was in

the company of the accused and the quarrel was going on. However, both the witnesses have stated that the accused and the deceased were addicted to liquor and were usually quarrelling amongst them and therefore, they have no integrity. Except this, there is no other evidence like motive, recovery of weapons, blood stained clothes etc. There is no implicity of the applicants/accused in the crime. The applicants were on bail during the trial. They have not mis utilised the bail. All this persuades us to suspend the sentence and grant bail.

3. The sentence passed by the 2nd Additional Sessions Judge, Sangli in Sessions Case No.170/2001 is hereby suspended till the hearing of the appeal. The applicants/accused be released on bail on their furnishing P.R. bond of Rs. 10,000/- each with one local surety. The applicants/accused shall attend Kundal Police Station, once in a month, preferrably on 1st day of the month between 10 to 11 a.m.

[ANOOP V. MOHTA, J.] **[S.B.MHASE, J.]**